

# EXHIBIT B

**From:** [Diane Wizig](#)  
**To:** [Steven D. Cohen](#); [Matt Matthews](#)  
**Cc:** [Steven Wittels](#); [Burkett McInturff](#); [Ethan Roman](#); [Emily Felix](#)  
**Subject:** Re: Mirkin v. XOOM  
**Date:** Tuesday, November 1, 2022 5:17:59 PM  
**Attachments:** [image001.png](#)

---

Steve,

XOOM did not withhold any data relating to New York customers who originally enrolled on fixed-rate plans and later rolled to variable rates. The data produced on April 8 included all New York customers who originally enrolled on a XOOM fixed rate contract and then automatically renewed to a variable rate on or before January 1, 2020, regardless of contract form.

Diane

**Diane S. Wizig**  
Partner  
[McDowell Hetherington LLP](#)  
P: 713-333-5889 F: 713-337-8850

**CONFIDENTIALITY NOTICE**

The information in this e-mail may be confidential and/or privileged. This e-mail is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this e-mail and its attachments, if any, or the information contained herein is prohibited. If you have received this e-mail in error, please immediately notify the sender by return e-mail and delete this e-mail from your system.

---

**From:** Steven D. Cohen <[sdco@wittelslaw.com](mailto:sdco@wittelslaw.com)>  
**Date:** Tuesday, November 1, 2022 at 3:09 PM  
**To:** Diane Wizig <[diane.wizig@mhllp.com](mailto:diane.wizig@mhllp.com)>, Matt Matthews <[matt.matthews@mhllp.com](mailto:matt.matthews@mhllp.com)>  
**Cc:** Steven Wittels <[slw@wittelslaw.com](mailto:slw@wittelslaw.com)>, Burkett McInturff <[jbm@wittelslaw.com](mailto:jbm@wittelslaw.com)>, Ethan Roman <[edr@wittelslaw.com](mailto:edr@wittelslaw.com)>  
**Subject:** Mirkin v. XOOM

Diane and Matt:

In our opening expert report on page 3 footnote 7, our experts said the following:

“The proposed Class also includes customers who switched from a XOOM fixed rate plan to a XOOM variable rate plan after February 2016 but were provided the same pricing terms that were included in the pre-February 11, 2016 SAs. That group of customers was not included in the data provided by XOOM.”

Will XOOM now agree to provide the data for that group of customers? If you will not so agree, please let us know when in the coming days the parties can meet-and-confer on this issue.

Thank you,

**Steven D. Cohen**

WMP | Senior Counsel  
18 Half Mile Road | Armonk, NY 10504  
Phone: [914-775-8862](tel:914-775-8862) ext. 109 | Fax: [914 273 2563](tel:914-273-2563)

**Wittels  
McInturff  
Palikovic**

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.